GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants-Transport Department - Case under the Prevention of Corruption Act, 1988 for the allegation of demand and acceptance of bribe against Sri N. Ramesh Kumar, Asst. Motor Vehicle Inspector, O/o. Deputy Transport Commissioner, Visakhapatnam District-Trapped on 02.12.2014- Sanction of prosecution rejected - Decided to initiate Departmental Action instead of Prosecution against Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector- Reiterated - Speaking order - Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 450 Dated: 28-08-2025

Read the following:-

1) From the D.S.P., Anti-Corruption Bureau,Visakhapatnam Range, RADIO MESSAGE No.30/RCT-VSP/2014, Dated: 02.12.2014.
2) Proceedings in Rc.No.9462/V2/2014, Dated:10.12.2014 of Transport Commissioner, Andhra Pradesh, Hyderabad.
3) From the Director-General, Anti-Corruption Bureau,A.P., Hyderabad, Rc.No.291/RCT-WVP/ 2014,Dated:07.02.2015.
4) From the Director-General, Anti-Corruption Bureau,A.P., Hyderabad, Rc.No.291/RCT-WVP/ 2014,Dated:01.04.2016.
5) From the Director-General, Anti-Corruption Bureau,A.P., Hyderabad, Rc.No.291/RCT-WVP/ 2014,Dated:06.05.2016.
6) Govt. Memo No.10014/Vig.Tr./A1/2014-6,Dated:24.09.2016 of T,R&B (VIG.TR.)Department.
7) From the Director-General, Anti-Corruption Bureau,A.P., Vijayawada ,Rc.No.291/RCT-WVP/2014,Dated:30.11.2016.
8) G.O. Rt. No. 50,T,R&B(Vig.Tr) Dept., Dated:01.03.2017. 9) Fromthe DG, ACB, A.P., Vijayawada vide letterRc.No.291/RCT-WVP/2014-511 dt. 24.04.2024.

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ORDER:

In the Radio Message 1st read above, while intimating about the Trap laid by the Bureau on the allegation of demand and acceptance of bribe against Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, O/o Deputy Transport Commissioner, Visakhapatnam District, it was reported that the Accused Officer was arrested on 02.12.2014 at 20.00 hours and produced before the III Addl. District and Sessions Judge- cum-Special Judge for ACB Cases, Visakhapatnam on 03.12.2014 at 16.15 hours, that the Special Judge remanded the Accused Officer to Judicial Custody upto 16.12.2014, that the ACB Officials have registered a case against the Accused Officer vide Cr.No.30/RCT-VSP/ 2014 u/s 7, 13(1) (d) R/w 13(2) of Prevention of Corruption Act, 1988, that the Accused Officer was released on bail on 22.12.2014 at 18.00 hours.

2. In the Proceedings 2nd read above, orders were issued by the Transport Commissioner, Andhra Pradesh Hyderabad placing the Accused Officer, Sri N. Ramesh Kumar, Asst. Motor Vehicle Inspector, under suspension w.e.f. 02.12.2014, under Rule 8(2) of A.P.C.S.(CC&A)Rules, 1991, since the period of his detention in police/judicial custody exceeded 48 hours.

3. In the reference 4th read above, while forwarding the Bureau's Final Report in the above Trap case, with a detailed narration of the sequence of events leading to the Trap against Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, the Director-General, Anti-Corruption Bureau, A.P., Hyderabad has conclusively recommended the following:

> 1. In view of the above Oral and Documentary Evidence, there is clinching evidence to prove the Allegation No.1 against Accused Officer, Sri Nidaganti Ramesh Kumar, S/o Late Raju, 36 years,Asst. Motor Vehicle Inspector, O/o Deputy Transport Commissioner, Madhavadhara, VUDA Colony, Visakhapatnam, that he demanded and accepted bribe of Rs.5,000/- from the Complainant on 02.12.2014 at Dhanalakshmi Weigh Bridge, Vellanki Village, Anandapuram Mandal, to release the Registration Certificate(R.C.)Book and Permit of de-facto Complainant's Vehicle without collecting penalty. It is, therefore, requested that the Accused Officer may be prosecuted in a court of law U/s 7 and 13(1)(d) R/w 13(2) of Prevention of Corruption Act,1988.
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> 2. During the Post-Trap Proceedings, an amount of Rs.12,730/- was found in the Bag of Accused Officer. On Enquiry the Accused Officer informed that the said cash is the fine amount collected from 29.11.2014 to 02.12.2014. When the entries in the Vehicle Check Report Book were perused there was an excess cash of Rs.2,740/- in the Bag of Accused Officer, for which he could not satisfactorily account for. Thus, he violated Rule 9(8)(A) of APCS(Conduct) Rules, 1964. Thus, on Allegation No.2, i.e., that the Accused Officer, Sri Nidaganti Ramesh Kumar, S/o Late Raju, Asst. Motor Vehicle Inspector, O/o the Dy.Transport Commissioner, Madhavadhara, Visakhapatnam, had possessed unexplained excess cash of Rs.2,740/- during Trap, it was, therefore, requested that Departmental Action may be initiated against the AO for violation of Rule 9(8)(A) of APCS (Conduct) Rules, 1964.

4. Government, after careful examination of the entire material available on record, including the Bureau's Final Report, the Complaint Dated:01.12.2014 of the Complainant, Sri Bandaru Madhusudana Rao,First Information Report in Cr.No.30/RCT-ACB-VSP/2014, Dt:02.12.2014, Mediators' Report I, Mediators' Report-II, etc., received in the references 3rd , 4th and 5th read above, had decided to initiate Departmental Enquiry instead of Prosecution on the 1st allegation also against Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, O/oDeputy Transport Commissioner, Visakhapatnam, i.e., Demanding and accepting of Rs. 5000/- as bribe, and the same was intimated to the Director General, Anti Corruption Bureau, Andhra Pradesh vide Memo 6th read above, with a request to furnish Article of Charges against Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, to Govt., on both the allegations, viz., 1)that of Demanding and accepting of Rs.5000/- as bribe, and 2) that of possessing of unexplained cash of Rs. 2,740/- during Trap, for initiating Disciplinary Proceedings under Rule 20 of APCS(CCA)Rules, 1991 against him.

5. In the reference 7th read above, the Director-General, Anti-Corruption Bureau, A.P., Vijayawada, has submitted proposal, inter alia, quoting various Rulings of High Court of A.P. and Supreme Court of India on the subject-matter of according or refusing sanction for Prosecution of Government Servants, and requesting the Government to reconsider the above facts and to issue order of sanction for Prosecution of Accused Officer, Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, for the aforesaid offence at an early date.

6. In this connection, the Director-General, Anti- Corruption Bureau,A.P., Vijayawada is informed that, from the Final Report of the Director-General, Anti-Corruption Bureau, A.P. 4th read above, Government have noticed that the following three points are clear:-

1.The Lorry Owner, Sri B.Madhusudana Rao(the Complainant) says in his Complaint (at page 11 C.F.) that he met the Accused Officer, Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, at 04.00 P.M. on 01.12.2014 when the Accused Officer demanded Rs.11,500/- for allowing him to ply his Vehicle without valid permit and licence. But, as seen from the Statement of the A.P.State Road Transport Corporation (APSRTC)Depot Manager, Visakha Steel City, Sri K.Praveen [at page (371) C.F.], that the Asst. Motor Vehicle Inspector, Sri N.Ramesh Kumar, was in Special Drive with him, i.e., the Depot Manager, on 01.12.2014 from 10.00 A.M. to 06.30 P.M. and no Lorry Owner met the AO during this time on that day.

2. The Trap took place on 02.12.2014 on the second day of joining duties as Asst. Motor Vehicle Inspector of the Accused Officer, Sri N.Ramesh Kumar, which obviously leads to benefit of doubt about the bad perception of the individual because, generally the Trap will be organized by the ACB with a pre-planned action after ascertaining the credentials, corruptive motive, etc.,with a time gap of considerable time, i.e, about 1 week to 10 days beforehand. Thus there appears to be little scope for the Trap specifically on this individual, Sri N.Ramesh Kumar, with sufficient evidence of corruptive background of the individual. It also gives scope for benefit of doubt arising from the Accused Officer's Statement that there are another two Motor Vehicle Inspectors in the Transport Department bearing Ramesh name, whether the Accused Officer was actually targeted or not, which will be revealed during the Enquiry.

3. Already on the finding of excess unexplained cash of Rs.2,740/- with the Accused Officer, Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, at the time of Trap, this was recommended for Departmental action by the Director-General, Anti-Corruption Bureau, A.P.

7. The Director-General, Anti-Corruption Bureau, A.P., Vijayawada is further informed that Government, after detailed examination of further representation of Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, received through Transport Department Associations, have decided to consider the same on humanitarian grounds, especially in view of the Statement given by Sri Durga Rao, Lorry Driver, which was recorded by Sri K.Ram Mohan Rao, A.P. State Road Transport Corporation (APSRTC) Driver, that he did not possess valid Driving Licence at the time of Vehicle Check and promised to produce the same on the next day, i.e., on 02.12.2014, by keeping the Registration Certificate (R.C.) Book and Permit with the Asst. Motor Vehicle Inspector, and also in view of the Statement of Sri K.Praveen, Depot Manager, A.P. State Road Transport Corporation (APSRTC), Visakha Steel City, that on 01.12.2014, no Lorry Owner met the Asst. Motor Vehicle Inspector, Sri N.Ramesh Kumar,who was on enforcement duty along with the Depot Manager, A.P. State Road Transport Corporation (APSRTC),on that day.

8. Therefore, in the light of the circumstances stated above, the Government hereby order that the decision taken earlier after careful examination of the matter

by Govt., i.e., not to accord sanction for Prosecution of the Accused Officer, Sri N.Ramesh Kumar, Asst. Motor Vehicle Inspector, and accordingly to subject the Accused Officer, to Departmental Enquiry only instead of Prosecution, on the first allegation also, that of demand and acceptance of bribe amount of Rs.5,000/- by him, and which was communicated to the Bureau vide Memo 6th read above, is reiterated vide G.O. 8th read above.

9. In the reference 9th read above, the DG, ACB, A.P., Vijayawada has requested to accord sanction of prosecution in respect of Sri Nidaganti Ramesh Kumar, AMVI, O/o DTC, Visakhapatnam in the above case, so that further necessary action will be initiated in accordance with law.

10. Government have once again examined representation of Accused Officer in detail with the final report of the DG, ACB and decided to reject the request of ACB, A.P., Vijayawada i.e., to accord sanction of prosecution and to initiate Departmental Enquiry only instead of Prosecution, on the first allegation also, that of demand and acceptance of bribe amount of Rs.5,000/- by him, and which was communicated to the Bureau vide Memo 6th read above, is reiterated vide G.O. 8th read above.

11. Accordingly, Government here by rejected the request of ACB, A.P., Vijayawada i.e., to accord sanction of prosecution and to initiate Departmental Enquiry only instead of Prosecution against Sri Nidaganti Ramesh Kumar, AMVI, O/o DTC, Visakhapatnam is reiterated vide Memo 6th read above and vide G.O. 8th read above.

12. The DG, ACB, A.P., Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director-General, Anti-Corruption Bureau, A.P.,Vijayawada.
Copy to:
The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, A.P. Secretariat, Velagapudi, for information.
The PS to Hon'ble M(Tr)/ The Prl. Secretary, T,R&B.

//FORWARDED:: BY ORDER//

SECTION OFFICER